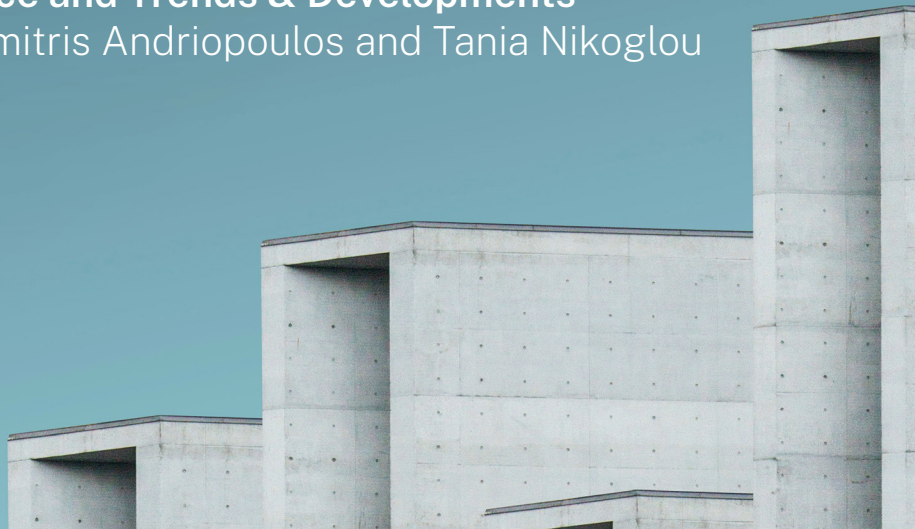

CHAMBERS GLOBAL PRACTICE GUIDES

Enforcement of Judgments 2024

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Greece: Law & Practice and Trends & Developments

Dimitris Babiniotis, Dimitris Andriopoulos and Tania Nikoglou
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GREECE



Law and Practice

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Zepos & Yannopoulos is a leading Greek law firm known for its long heritage, legal acumen, and integrity. As a full-service business law firm, Zepos & Yannopoulos takes pride in its distinctive mindset and offering. This shows not only in responsiveness, but also the firm's ability to field versatile, approachable, easy-to-work teams of practitioners who truly understand clients' interests. Zepos & Yannopoulos' strong international orientation is echoed in the firm's structure, standards and approach, and

ultimately attested to by the profile of its client base, its rankings and its network of affiliations and best-friend law firms around the world. Established in 1893, Zepos & Yannopoulos knows that change – whether in the legal or economic environment – is inherent to its jurisdiction; the firm's lawyers are accustomed to implementing untested legislation, structuring innovative solutions, and putting their bold legal argumentation into the service of clients.

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Z E P O S & Y A N N O P O U L O S

1. Identifying Assets in the Jurisdiction

1.1 Options to Identify Another Party's Asset Position

The identification of another party's asset position is crucial for creditors in formulating an effective enforcement strategy. Either prior, during or upon embarking on litigation proceedings, creditors can utilise an array of legal, financial and investigative tools to ascertain a debtor's asset position and ensure that the debtor's assets suffice for the satisfaction of their claims.

General Means of Identifying Assets

Land cadastre

The land cadastre (*Ktimatologio*) records detailed data on ownership and other in rem rights over immovable property, including mortgages, easements and liens, as well as providing information as to whether the immovable asset in question is the subject of a legal dispute. It also tracks changes in ownership due to sales or inheritance and provides access title deeds and all other relevant underlying documents. Access is available online for most regions, but some areas – in which the record is still solely kept in hard copy (land registry offices, or *Ypothikofilakia*) – still require on-site visits. Only authorised representatives such as lawyers and notaries can access these records.

General Commercial Business Registry

The General Commercial Business Registry (*Genikó Emporikó Mitróo Epicheiríseon*, or GEMI) provides free-of-charge elaborate information on a company's name, seat, tax identification number, and articles of association. Most importantly, GEMI provides management and yearly financial statements, as well as various information regarding the company's shareholders, depending on the type of the

company registered and details on corporate ownership in general. In fact, if a company fails to upload its yearly financial statements, any further publication is suspended. The publication of the company's management – along with the names of the partners – is of essence because, under Greek law, one's shares to a company are subject of seizure.

Other than the company's financial statements, GEMI contains information in relation to the status of a company – namely, whether restructuring proceedings have been initiated or whether the company was declared insolvent or whether liquidation is about to commence. GEMI is accessible to the general public via its website and allows research to be conducted on the basis of various criteria, thus facilitating public inspection and identification of a company's asset position.

Insolvency Registry

The Insolvency Registry (*Mitróo Aferegiotitas*) is an online database listing insolvent persons and entities, including basic information (such as names and tax identification numbers) about insolvency proceedings. Detailed records (including information about third-party claims “announced” to the insolvency administrator) can be inspected at the court of first instance.

Financial institutions

Even though banks typically do not disclose client information, this rule is encroached upon once the creditor imposes a seizure in the debtor's bank accounts. In such case, the bank is obliged to seize the debtor's accounts up to the amount of the claim and disclose the relevant data to the debtor imposing the seizure.

Tiresias credit bureau

Tiresias is a credit bureau that collects and disseminates data on credit history and financial

behaviour, including loans, credit cards, and other liabilities. Tiresias provides credit reports to financial institutions for the purposes of assessing one's creditworthiness and also maintains a general registry of non-performing loans and overdue obligations. Access is granted under strict conditions in order to ensure data protection and privacy.

Administrative authorities

Under specific circumstances and with legitimate interest, tax offices may disclose information on a person's declared income, property and assets.

Miscellaneous registries

Other useful registries include the auction registry (which allows one to determine if a third party's assets have been seized and are about to be involuntarily sold), the ships and aircraft registry, and the Intellectual Property Organization (IPO)'s trade mark registry. The pledge registry is being digitalised, with a bill introduced in May 2024. The ultimate beneficiary owners (UBOs) registry may also provide information – although not all companies are required to disclose such details. Access to these registries is often restricted.

Movable property not listed in these registries is challenging to locate, owing to the lack of dedicated tracking tools.

Litigation Proceedings for Identifying Assets

Identifying assets through litigation is limited. In the pre-judgment phase, exhibit production decisions can potentially be of help to creditors – albeit having to satisfy a very high procedural threshold to be successful. Post-judgment, creditors with enforceable titles can request a detailed asset list from the debtor, as per Article 952 of the Greek Code of Civil Procedure (GCCP). This list must include asset alienations

in the past five years and be sworn under oath by the debtor as to its accuracy and completeness.

Post-judgment (assuming the judgment is enforceable), bailiffs may also be ordered to locate and seize the debtor's property. Additionally, bailiffs can track down all the movable and immovable property of the debtor and even seize relevant documents from notaries. Irrespective of whether assets have been identified, various tools are available to seize property, impose freezing orders, or establish judicial escrows.

2. Domestic Judgments

2.1 Types of Domestic Judgments

In Greece, court judgments are categorised based on several criteria.

Participation of Litigant Parties

- Adversary proceeding judgments – these judgments are issued when all litigant parties are procedurally duly present and duly represented.
- Default judgments – these judgments are issued when the defendant is absent despite proper service of process. If the plaintiff is absent, the case is dismissed, unless the defendant has a legitimate interest to continue with the trial or if the defendant has filed a counterclaim. If the defendant is absent, a presumption is made that the defendant confesses to the facts mentioned in the lawsuit. The defaulting party can file to set aside the default judgment within a strict deadline after being served. Without service to the defendant, the default judgment remains unenforceable.

Relief Sought and Granted

- Declaratory judgments – these judgments recognise a specific legal relationship or right, such as declaring the nullity of a transaction. Requests pertaining exclusively to facts (as opposed to legal relationships or rights) are inadmissible. Declaratory judgments are not enforceable but can ground payment orders.
- Formative judgments – these judgments establish, amend or nullify legal relationships that did not exist prior to the handing down of the judgment, becoming effective once rendered definitive. Formative judgments are not per se “enforced”. Rather, they are deemed to provide erga omnes effect upon becoming “definitive” (more on this notion below).
- Performance judgments – performance judgments grant coercive relief, as they order the defendant to perform or refrain from specific actions (eg, awarding damages) and are enforceable provided legal conditions are met.

Binding Effect

- Final judgments – final judgments are those that uphold or reject – in whole or in part – claims, terminating proceedings and relieving the court of further power over the claim. Only final judgments that are not or no longer subject to an appeal are vested with enforceability and res judicata effect. Hence, the decisions of the Courts of First Instance produce res judicata effect and enforceability if the timeframe for filing an appeal has lapsed. All Court of Appeals decisions are enforceable and produce res judicata effect. Under certain conditions decisions rendered by the courts of first instance may be provisionally enforceable even if they produce no res judicata effect. For a default judgement to produce res judicata effect it is necessary that the timeframe afforded by law to the absent party to

challenge the default is not observed. Final judgments that produce res judicata effect and enforceability may still be challenged on the basis of specific grounds either through a petition for cassation before the Supreme Court or through a writ of error petition filed with the court that rendered them.

- Non-final judgments – non-final judgments are preparatory or procedural decisions that are not enforceable. Non-final judgments include decisions postponing the progress of pending proceedings or order performance of certain procedural acts or the furnishing of certain documents. These judgments are considered preparatory in nature, because they set the stage for the “final” judgment, and are thus not enforceable.

Revocability

- Final judgments – final judgments are always irrevocable. They may be only appealed before a higher court.
- Non-final judgements – non final judgements are always revocable.

Subject Matter

Judgments are also discerned according to whether the court tried the case on its merits or whether it just dealt with a procedural matter, usually rejecting the action as inadmissible.

Injunctive Relief

- Injunctive measures – injunctive relief is ordered to prevent or mitigate immediate harm until an ordinary hearing can be held. The court is at liberty to order any means that it deems necessary and appropriate for the case at hand. Judgments ordering provisional measures are enforceable if imposing specific performance.
- Provisional orders – provisional or temporary orders provide immediate relief until the

main hearing on provisional measures and are automatically enforceable. They can be issued within two weeks of filing the relevant petition, normally contain little to no reasoning and may even be granted *ex parte* under exceptional circumstances.

Injunctive measures and provisional orders are notably enforced without the need to be engulfed with “executory power” (Article 700, paragraph 2(1) and paragraphs 3 and 4 of the GCCP). As regards the general need for enforceable titles to be engulfed with “executory power”, please refer to **2.2 Enforcement of Domestic Judgments**.

Enforceable Titles (Article 904 of the GCCP)

Not all judgments are enforceable. Typically, only definitive judgments – which cannot be challenged – are enforceable. First-instance judgments are generally not enforceable unless declared provisionally enforceable by the court. Other enforceable titles include:

- arbitration awards;
- trial transcripts evidencing settlement reached before the court or determining court costs claims;
- notarial deeds;
- payment orders or orders for return of use of leased property; and
- foreign titles declared enforceable.

2.2 Enforcement of Domestic Judgments

Following the obtaining of an enforceable title (as described in **2.1 Types of Domestic Judgments**), actual enforcement proceedings are to follow. The enforcement procedure, as well as the means of enforcement, vary depending on the nature of the enforceable claim.

Types of Claims

- Non-monetary claims – these concern:

- (a) the delivery or return of movable assets or anonymous debt instruments (Articles 941 and 942 of the GCCP);
 - (b) the delivery or return of immovable property (Articles 943 of the GCCP);
 - (c) the performance of an action that can also be performed by a third party (Article 945 of the GCCP) or an action that can only be performed by the debtor (Article 946 of the GCCP);
 - (d) the omission or acceptance of a certain act (Article 947 of the GCCP);
 - (e) the ordering of the debtor to a declaration of will (Article 949 of the GCCP); and
 - (f) the delivery or return of a child in matrimony disputes (Article 950 of the GCCP).
- Monetary claims (Articles 951–1054 of the GCCP) –the enforcement of monetary claims constitutes by far the more common type of enforcement. In these cases, the object of the enforcement is not identified in the enforceable title; rather, it is determined through the enforcement measure pursued, such as through the imposition of a seizure or through a decision regarding compulsory administration (Article 1034 of the GCCP) or personal detention (Article 1047 of the GCCP). Depending on the material of the enforcement, it is categorised into:
 - (a) seizure (Article 951 I of the GCCP):
 - (i) of the debtor’s movable property in their possession (Articles 953–981 and Articles 1017–1021 of the GCCP) or in the possession of a third party (Articles 982–991 of the GCCP);
 - (ii) of real estate, ships, and aircraft (Articles 992–1016 and Articles 1017–1021 of the GCCP); and
 - (iii) of special assets (Articles 1022–1033 of the GCCP);
 - (b) compulsory administration (Article 951 I

of the GCCP and Articles 1034–1046 of the GCCP); and

(c) personal detention (Articles 1047–1054 of the GCCP).

Direct-Indirect (Principal) vs Auxiliary Enforcement

Enforcement proceedings are further divided into three categories based on the manner performed and the result they bring about, as follows.

- Direct (or physical) enforcement – this is when the substantive right (ie, the claim) is satisfied directly and with a natural way (eg, through the violent removal of the movable asset from the debtor’s possession (Article 941 and Article 942 of the GCCP) or through the violent removal of the debtor from the property (Article 943 of the GCCP)).
- Indirect enforcement – this is when the debtor is forced to voluntarily perform its obligation under the threat of adverse consequences befalling thereon in case of non-performance (eg, when the debtor is ordered to perform a certain action (Article 946 of the GCCP) or to omit and/or accept a certain action (Article 947 of the GCCP)).
- Auxiliary enforcement – this is when debtor compliance cannot be obtained through direct or indirect enforcement and the debtor’s obligation is rendered as a result into a monetary claim (Article 945 and Article 948 of the GCCP), which is enforced through the GCCP provisions for enforcement of monetary claims.

Objective vs Personal Enforcement

- Objective enforcement – this is directed at the debtor’s property, either entirely (total enforcement in bankruptcy proceedings) or only targets specific assets that are

sufficient to satisfy the creditor’s claim (individual enforcement). The pendency of total enforcement (most commonly, bankruptcy) proceedings generally precludes individual enforcement from commencing or being pursued further (if already initiated). Insolvency proceedings follow a special regime set out in the (relatively recently refurbished) Greek Insolvency Code (Law 4738/2020).

- Personal enforcement – this is directed towards the debtor personally, including personal detention and compulsory administration of the debtor’s property or business.

Means of Enforcement

The GCCP provides one or more means of enforcement for each type of enforcement:

- removal of movable property (direct enforcement) – physical removal of the debtor’s movable assets;
- eviction from real estate (direct enforcement) – removing the debtor from their property;
- attachment of property (indirect enforcement) – seizing the debtor’s assets;
- personal detention (indirect enforcement) – imprisoning the debtor;
- compulsory administration (indirect enforcement) – managing the debtor’s property or business to satisfy the claim;
- oath of manifestation (indirect enforcement) – debtor’s sworn statement about their assets (quasi means of enforcement); and
- (secondary) compensation claim (auxiliary enforcement) – in cases where debtor compliance cannot be achieved through direct and/or indirect enforcement means.

Procedural Steps

- Existence of an enforceable title – having an enforceable title such as the ones mentioned in **2.1 Types of Domestic Judgments** is the first and most fundamental condition for a creditor commencing enforcement proceedings. But it is not the only condition.
- Engulfing the enforceable title with executory power – in most cases, with very limited exceptions, the enforceable title must be engulfed with executory power in order to commence enforcement. In practice, this entails the affixation of the words “In the Name of Greek People” as a heading and the language “the competent bodies are ordered to enforce the present title”, both to the original enforceable title. The original enforceable title (with these two affixations) is then stamped and signed by the competent judge or notary (in the case of notarial documents for enforceable titles) and the secretary of the court that affords it with executory power. From that moment onwards, this specific title is formally activated, meaning the claim(s) that it encompasses are rendered ripe for the commencement of enforcement proceedings. The original enforceable title engulfed with executory power is kept with the court.
- Unique copy of the enforceable title engulfed with executory power (*apografo*) – following completion of the foregoing process, the court extracts an official and complete copy from the original, to which the above-language mentioned is copied (Article 918, paragraph 1(1) of the GCCP). Only a single copy can be issued (Article 918, paragraph 3 of the GCCP) for the benefit of the person who has standing and justified legal interest to commence enforcement proceedings.
- Copy of the official copy (COC) – the creditor’s lawyer issues a copy of the “official” copy outlined in the previous point.
- Writ of execution (*epitagi pros ektelesi*) – the creditor serves process of the COC to its debtor by court bailiff, together with a writ of execution (Article 924, paragraph 1 of the GCCP), which is written immediately under the COC. Writs of execution cannot be served within the period from 1 to 31 August each year (Article 940A of the GCCP). The writ of execution determines the creditor’s invoked claim with certainty and clarity, appoints the creditor’s process agent, and is signed by a lawyer. The writ of execution also constitutes a written invitation to the debtor to voluntarily comply with its obligation and warns the debtor about the adverse consequences that will ensue if the debtor chooses not to comply. The writ of execution is what sets the enforcement proceedings in motion and is considered the first formal enforcement act.
- Commencing enforcement – following service of the writ of execution to the debtor, the latter has three business days to voluntarily comply with its obligations (Article 926, paragraph 1 of the GCCP). Upon lapse of this deadline, main enforcement proceedings on the creditor’s sole initiative (Article 927, paragraph 1 of the GCCP). This is contrary to the modern court-centric system of enforcement employed primarily in German-speaking jurisdictions (see the [German Law and Practice chapter of this guide](#)). The creditor’s request for the commencement of enforcement proceedings must be given to a competent court bailiff in writing and always on the unique copy of the enforceable title engulfed with executory power (ie, the *apografo*), rather than the COC. The creditor’s request generally affords the bailiff the power to proceed to any enforcement action (“broad request”).

Regarding service for the above-mentioned actions, the GCCP provides detailed provisions,

including electronic service (Article 122A of the GCCP). Intra-EU service is effected through Regulation (EC) No 2020/1784 and concerns actual service to the debtor (as opposed to “deemed” service effected upon receipt by the competent prosecutor per Articles 134 and 136, paragraph 1 of the GCCP). The same also applies with regard to international (non-EU) service pursuant to the provisions of the 1965 Hague Convention, ratified in Greece by Law 1334/1984 and/or under any bilateral treaty.

2.3 Costs and Time Taken to Enforce Domestic Judgments

Enforcement-Related Costs

Enforcement costs fall on the judgment-debtor but are advanced by the judgment-creditor (Article 932 of the GCCP). These include all costs incurred by the creditor to the extent that they were necessary for the enforcement proceedings, from commencement to conclusion. Typical costs involved in enforcement proceedings are those related to:

- the issuance of the unique copy of the enforceable title (*apografo*);
- the issuance of the COC;
- the drafting of the writ of execution and its service to the debtor, together with relevant statutory attorney fees (Article 72 of the Code of Lawyers);
- the imposition of compulsory attachments to the debtor’s assets;
- expert fees (Article 954, paragraph 1(2) of the GCCP);
- fees of keepers and persons appointed as sequestrators (Article 956 of the GCCP) for safekeeping of attached property;
- court bailiff/process agent fees;
- publication of enforcement-related reports (Article 955, paragraph 1 and Article 995, paragraphs 1–3 of the GCCP);

- excerpts of notary attachment reports (Article 955, paragraphs 2(2) and (3) and Article 995, paragraph 4(3) of the GCCP) for the purposes of conducting auctions of the debtor’s property; and
- enforcement-related trials.

Costs incurred due to the creditor’s excessive diligence or own fault in seeking to enforce its claim(s) are not recoverable.

Timing Considerations

Legislative steps have been taken towards reducing the time necessary for enforcement proceedings through the revamping of certain GCCP provisions (eg, Article 954 and Article 973 of the GCCP) and the broader digitalisation agenda of the Greek State. These notably concern “forced auctions”, which under the new provisions must take place within five to six months following the conclusion of the attachment proceedings. The new provisions also provide for abridged deadlines in debtor challenges against enforcement actions (Article 934 of the GCCP) (for further details, please refer to **2.5 Challenging Enforcement of Domestic Judgments**). Regardless, enforcement proceedings in Greece remain a long and arduous process, notably owing to significant backlogs in court dockets and under-staffing.

Garnishment Orders (Article 982 of the GCCP)

One of the more common and effective ways of satisfying monetary claims (see **2.2 Enforcement of Domestic Judgments**) is through garnishment orders. These are orders served to third parties, against which the debtor appears to have a claim. These third parties are usually banks where the judgment-debtor holds an account, meaning the debtor has a claim against these banks for the payment of the monies contained in the debtor’s account.

The process for seeking enforcement through these orders is as follows:

- first, the creditor effects service of process of the garnishment order to the third party in question; and
- second, the third party is obliged to respond within eight days from service as to whether there exists indeed such claim, whether it suffices to satisfy the creditor's claim, etc.

These declarations are submitted with the competent court; it will also be possible to submit these electronically, once the relevant digital platform is established (for the time being, the law only provides a theoretical possibility). If the third party responds positively, the creditor takes the position of the debtor vis-à-vis the third party and obtains a direct claim against the third party up to the amount of the creditor's original claim contained in the garnishment order. If the third party fails to make a declaration within the prescribed time period or proceeds to make an inaccurate declaration, then that third party is liable towards the judgment-creditor.

2.4 Post-judgment Procedures for Determining Defendants' Assets

Please refer to **1.1 Options to Identify Another Party's Asset Position**, **2.2 Enforcement of Domestic Judgments** and **2.3 Costs and Time Taken to Enforce Domestic Judgments**.

In the post-judgment phase, servicing garnishment orders to third parties against which the debtor has a claim affords the creditor access to the archives of banking institutions in which its debtor holds accounts. This drastic change in favour of judgment-creditors first came about in 2001, with the enactment of Law 2915/2001, and became more established with Law 3994/2011 and particularly Law 4335/2015, which added

a fifth paragraph to Article 983 of the GCCP pertaining to the invalidity of any bank privacy rules vis-à-vis any creditor having the right to attach the assets of the beneficiary of the bank account. In practice, creditors of monetary claims equipped with enforceable titles with executory power will service garnishment orders to the four main systemic banks in Greece, as well as often to smaller banks – especially when they become apprised of information that their debtors may have monies deposited in those banks.

The debtor's asset list contemplated in Article 952 of the GCCP and discussed in **1.1 Options to Identify Another Party's Asset Position** and the debtor's oath of manifestation discussed in **2.2 Enforcement of Domestic Judgments** are also ways of assessing a creditor's asset position post-judgment.

2.5 Challenging Enforcement of Domestic Judgments

As already outlined in **2.2 Enforcement of Domestic Judgments**, the enforcement process is both rigid and meticulously regulated, requiring strict adherence to procedural formalities and deadlines. This notwithstanding, enforcement proceedings bring about a raw and often unbridled intervention to a debtor's personal property. This powerful intervention – even under the strict procedural rules to which it is subject – is counterbalanced by a proliferate set of debtor defences linked to invalidities in the enforcement proceedings and the actions that they comprise. These invalidities generally have to be declared as such by the competent court at the defendant's motion (Article 159 and Article 160, paragraph 1 of the GCCP); until that happens, they keep producing their legal effects in full.

Objections Against Enforcement Actions (Articles 933–937 of the GCCP)

Lodging objections against the validity of enforcement actions before the competent court is the main defensive tool of judgment-debtors and the only legal remedy available that can lead to the avoidance of wrongful enforcement acts. A priori debtor waivers from their right to lodge objections are invalid for being contrary to Article 20 of the Greek Constitution, which encompasses objections within its protective ambit.

The legal remedy of “objections” is exclusively defensive in nature (primarily for debtors but also for third parties whose rights are being impacted on account of the enforcement – Article 936 of the GCCP concerns third-party objections). Per the black letter of the law (Article 933, paragraph 1 of the GCCP), objections may only concern:

- the validity of the enforceable title – this concerns either:
 - (a) the complete lack of an enforceable title engulfed with executory power (as outlined in **2.2 Enforcement of Domestic Judgments**), which occurs even in cases where the enforceability of the title has been suspended or when that title has been quashed; or
 - (b) formalistic or substantive defects of the title;
- the enforcement procedure acts per se – this concerns any kind of irregularities and omissions in the preparatory actions or documents required (eg, the issuance of the *apografo* or the service of the writ of execution); and
- the claim itself – this concerns any kind of substantive law objection blocking the genesis or leading to the extinguishment of the claim in question or rendering the claim time-barred, etc.

Process for Lodging Objections

Objections are generally lodged before a single-member court of first instance (Article 933, paragraph 1 of the GCCP) and then a certified copy thereof is served to the creditor by a process agent (court bailiff). The initial court document of objections must contain at least one clear ground in order to be admissible; additional grounds can be brought forward through a subsequent court document of additional grounds, which must be served at least eight days before the hearing (Article 933, paragraph 3 of the GCCP). The hearing must in theory be scheduled within 60 days of filing, with the summons served 20 days prior (Article 933, paragraph 2 of the GCCP).

Deadlines

In cases of indirect enforcement (see **2.2 Enforcement of Domestic Judgments**), the deadline to file objections is generally 45 days from the imposition of the attachment to the debtor’s assets or the garnishment order to the debtor (Article 934, paragraph 1(a) of the GCCP). In cases of direct enforcement, the deadline is generally 30 days from the last enforcement act (eg, the service of the writ of execution to the debtor) (Article 934, paragraph 1(b) of the GCCP). The court must in theory issue its decision on the objections within 60 days following the hearing. However, no procedural defect or nullity arises if the decision is delayed beyond this point.

Tiered approach

The GCCP mandates a tiered approach to addressing defects or nullities in enforcement acts. Each act of enforcement is autonomous and defects must be challenged through separate oppositions within specific timeframes. Failure to challenge an act in a timely manner results in curing the defect, preventing future claims. The annulment of one act does not directly affect

subsequent acts, necessitating cumulative challenges for effective protection.

Suspension of Enforcement Proceedings (Article 938 of the GCCP)

Following lodging and proper service of objections and up until the hearing (but not on the day of the hearing), debtors may seek the suspension of the enforcement proceedings pending against them until the issuance of a final judgment on the objections.

Suspension applications are conditioned on the cumulative satisfaction of whether the objections are likely to be successful and whether the enforcement would cause irreparable harm to the debtor. Article 938 of the GCCP was the subject of revisions brought about by Law 4842/2024.

Challenging the Objections Decisions

Following the enactment of Law 4842/2021, first-instance court decisions on objections can be challenged before all higher courts (including the Supreme Court), using all legal remedies without limitation – except for applications to set aside default judgments. The current regime is the same that existed prior to 2015.

2.6 Unenforceable Domestic Judgments

Please refer to **2.1 Types of Domestic Judgments**. As a general rule, only performance judgments are enforceable (and only those that are definitive). Final judgments that have been declared provisionally enforceable by the court can also be enforced. Formative and declaratory judgments cannot be enforced.

2.7 Register of Domestic Judgments

No such central register exists. Case files are kept with the court and only the parties to the proceedings are allowed access. In recent years, in several cases it is possible for parties to obtain

access digitally by making a relevant application through a [dedicated platform](#). Case information (but not case documents) is also [available online](#) to the general public, as long as one has access to the relevant unique number identifiers of each case. This access is currently limited to the country's main courthouses.

3. Foreign Judgments

3.1 Legal Issues Concerning Enforcement of Foreign Judgments

Enforcing foreign judgments in Greece is a complex process entailing a large number of legal issues. The complexity lies in the fact legal practitioners have to navigate a large set of potentially applicable provisions stemming from the GCCP, the bilateral agreements concluded between Greece and third countries (which have more than doubled in number since 1980), the multilateral conventions to which Greece is party (mainly deriving from the Hague International Conference on Private International Law), and – most importantly – a double-digit number of EU Regulations. What is more, these instruments are regularly amended, thereby introducing issues of transitional nature.

The aforementioned international instruments take precedence over the GCCP provisions as per the clear letter of both the GCCP (Article 905) and the Greek Constitution (Article 28). EU regulations take precedence over all other legislative frameworks, followed by international treaties (bilateral and multilateral), and lastly the domestic framework of the GCCP.

EU Law

The main EU Regulations that regulate enforcement of judgments in civil and commercial matters within the EU are:

- Regulation (EU) 2015/848 on insolvency proceedings (recast), replacing Regulation (EC) No 1346/2000 – Articles 19–33 (formerly Articles 16–26) are of interest;
- Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (“Brussels I Recast”), replacing Regulation (EC) No 44/2001 – Articles 36–60 (Articles 32–58 of Regulation (EC) 44/2001) are of interest;
- Council Regulation (EU) 2019/1111 on jurisdiction, recognition, and enforcement of decisions in matrimonial matters and matters of parental responsibility, and on international child abduction, replacing Council Regulation (EC) No 2201/2003 – Articles 30–75 (Articles 21–52 of Council Regulation (EC) Regulation 2201/2003) are of interest;
- Regulation (EC) No 861/2007 establishing a European Small Claims Procedure – Articles 20–23 are of interest;
- Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition, and enforcement of decisions and co-operation in matters relating to maintenance obligations – Articles 16–38 are of interest;
- Regulation (EU) No 650/2012 on jurisdiction, applicable law, recognition, and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession – Articles 39–61 are of interest;
- Council Regulation (EU) 2016/1103 implementing enhanced co-operation in the area of jurisdiction, applicable law, recognition, and enforcement of decisions in matters of matrimonial property regimes, and Council Regulation (EU) 2016/1104 implementing enhanced co-operation in the area of jurisdiction, applicable law,

- recognition, and enforcement of decisions in matters of the property consequences of registered partnerships;
- Regulation (EC) No 805/2004 creating a European Enforcement Order for uncontested claims;
- Regulation (EC) No 1896/2006 creating a European order for payment procedure; and
- Regulation (EU) No 655/2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters.

Enforcement of foreign judgments and other titles under these instruments does not require a declaration of enforceability (“*exequatur*”).

Multilateral Treaties

Greece has acceded to a series of multilateral international conventions, which have either exclusively focused on – or included within them – the issues of recognition and enforcement.

The Two Lugano Conventions

The first category includes the two Lugano Conventions on jurisdiction, recognition, and enforcement of judgments in civil and commercial matters.

- The first was signed on 16 September 1988, ratified in Greece by Law 2460/1997, and came into force on 1 September 1997. It linked the EU member states with those of the European Free Trade Association (EFTA). Relevant articles are Articles 25–51.
- The second was signed on 30 October 2007, ratified by the EU on 18 May 2009, and came into force for all its member states on 1 January 2010. Norway has applied the new convention since 1 January 2010, Switzerland since 1 January 2011, and Iceland since 1 March 2011. Relevant articles are Articles

32–58. Article 69, paragraph 6 of the new convention provided for the abolition of the first Lugano Convention. Thus, after the expansion of the EU, the new convention now pertains to the relationships of EU member states with three countries: Switzerland, Norway, and Iceland.

Hague Conference on Private International Law

This second category includes the following instruments:

- the Convention of 2 October 1973 on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, ratified by Law 3171/2003, and in force in Greece since 1 February 2004 – relevant articles are Articles 19–33;
- the Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption, ratified by Law 3765/2009 and in force in Greece since 1 January 2010 – relevant articles are Articles 23–27 and Second Article, paragraph 6, which records the conditions for recognising foreign adoptions;
- the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, ratified by Law 4020/2011 and in force in Greece since 1 June 2012 – relevant articles are Articles 23–28;
- the Convention of 30 June 2005 on Choice of Court Agreements, signed by the EU on 1 April 2009, and in force since 1 October 2015 – relevant articles are Articles 8–15;
- the Hague Convention of 13 January 2000 on the International Protection of Adults – relevant articles are Articles 22–27;

- the Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, signed by the EU on 6 April 2011 and in force since 1 August 2014 – relevant articles are Articles 19–35; and
- the 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters, adopted by the Council of the EU on 12 July 2022 (except for Denmark) and in force in Greece since 1 September 2023.

United Nations

This third category includes the following conventions and model laws:

- the Geneva Convention of 19 May 1956 on the Contract for the International Carriage of Goods by Road (CMR), ratified by Law 559/1977 – the relevant article is Article 31, which prevails over Regulation 44/2001;
- the Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958 (the “New York Convention”), ratified by Legislative Decree 4220/1961;
- the 1965 Convention on the Settlement of Investment Disputes Between States and Nationals of Other States (the “ICSID Convention”), entered into force on 14 October 1966 and ratified in Greece by Compulsory Law 680/1968 – relevant articles are Articles 53–55; and
- the UNCITRAL Model Law of 30 May 1997 on Cross-Border Insolvency, adopted into Greek law by Law 3858/2010 (Adaptation of Greek Law to the 1997 UNCITRAL Model Law on Cross-Border Insolvency and other provisions) – relevant articles are Articles 15–24.

Bilateral Agreements

To date, Greece has ratified the following bilateral judicial assistance agreements in civil matters, which are currently in force:

- Greek–Albanian Agreement of 17 May 1993 (Articles 23–30);
- Greek–Armenian Agreement of 21 November 2000 (Articles 17–23);
- Greek–Bulgarian Agreement of 10 April 1976 (Articles 27–33);
- Greek–German Agreement of 4 November 1961;
- Greek–Georgian Agreement of 10 May 1999 (Articles 21–29);
- Greek–Yugoslav Agreement of 18 June 1959;
- Greek–Chinese Agreement of 17 October 1994 (Articles 20–27);
- Greek–Cypriot Agreement of 5 March 1984 (Articles 21–28);
- Greek–Lebanese Agreement of 5 April 1975 (Articles 3–11);
- Greek–Hungarian Agreement of 8 October 1979 (Articles 24–31);
- Greek–Ukrainian Agreement of 2 July 2002 (Articles 20–25);
- Greek–Polish Agreement of 24 October 1979 (Articles 21–31);
- Greek–Romanian Agreement of 19 October 1972 (Articles 21–28);
- Greek–Soviet Agreement of 21 May 1981 (Articles 23–34);
- Greek–Syrian Agreement of 2 June 1981 (Articles 21–29);
- Greek–Czechoslovak Agreement of 22 October 1980 (Articles 22–29); and
- Greek–Tunisian Agreement of 12 April 1993 (Articles 28–36).

These agreements can be classified as follows:

- pure recognition and enforcement agreements:
 - (a) Greek–German Agreement of 4 November 1961; and
 - (b) Greek–Yugoslav Agreement of 18 June 1959;
- general judicial assistance agreement – the remaining agreements cover all issues of judicial assistance, including the recognition and enforcement of foreign judgments;
- recognition and enforcement of foreign arbitral award – some agreements refer directly to the New York Convention, whereas others contain specific provisions usually included in the same chapter as foreign judicial decisions; and
- EU member state bilateral agreements – these agreements are superseded by EU Regulations but only in the areas covered by the latter and they maintain their significance where no overlap exists.

Domestic Law

The key provisions are those of Articles 323, 780, 903, 905 and 906 of the GCCP. With the exception of Article 905, the other provisions have remained unchanged since 1967. The amendment of Article 905 of the GCCP pertains only to the first paragraph, adding what was essentially already applied by the country's courts before the amendment – ie, that the GCCP applies only when Greece is not bound by an EU regulation. Otherwise, domestic provisions are subordinated to bilateral and multilateral conventions. However, these conventions do not cover procedural issues, for which the rules of the GCCP are applied (see **3.4 Process of Enforcing Judgments**).

Legal Issues Arising in Enforcing Foreign Judgments

Domestic law

Missing documentation is one issue relating to the enforcement of foreign judgments in Greece. This includes:

- failure to provide a certificate of finality for the foreign judgment in matters of personal status, or other related documents sufficient to prove it;
- failure to provide a certified and/or translated copy of the foreign judgment (or only providing a portion of it), making it impossible to verify the condition under Article 323, paragraph 3 of the GCCP; and
- failure to obtain a certificate from the registry of the competent first-instance court to prove that no Greek judgment has been issued (Article 323, paragraph 4 of the GCCP).

Inconsistency and contradiction can also cause legal issues to arise. Examples include:

- rejection of recognition applications owing to lack of legal interest, when the rule is adjudication and decision issuance, even when the dispute is not proven but merely presumed; and
- lack of a common standard for the required documents to prove the finality of a foreign judgment in personal status matters.

Bilateral agreements

Parallel application can impact the enforcement of foreign judgments in Greece, given that bilateral agreements:

- apply alongside multilateral conventions; and
- retain their full significance where there are no overlaps.

Interest in non-EU bilateral agreements also has an effect, as follows.

- Among the bilateral agreements Greece has concluded, those with non-EU countries (eg, Albania, Russia and Georgia) are of greater interest – with the exception of the bilateral agreement with Germany.
- The seven bilateral agreements Greece has with countries that are now members EU members are replaced by regulations, except for decisions that were not yet within the temporal scope of the regulations or concern matters not yet legislated at EU level.

The main issues in the application of bilateral agreements concern:

- recognition and contestation of paternity or adoption;
- cases of disappearance;
- judicial support cases, provided the 2000 Hague Convention is not ratified by the other contracting party; and
- change of surname.

Additional observations on issues relating to bilateral agreements in the enforcement of foreign judgments in Greece are as follows.

- There is often ignorance of the existence of a bilateral agreement, leading to the exclusive application of domestic provisions.
- There is sometimes application of a different bilateral agreement, rather than the one that should be applied. This risk is particularly present in countries that emerged from the dissolution of the USSR and the break-up of Yugoslavia.
- There is no consistent jurisprudence regarding the relationship between domestic law and bilateral agreements.

Multilateral agreements

In terms of multilateral agreements, the following issues arise in relation to the enforcement of foreign judgments in Greece.

- Lugano Convention – jurisprudence indicates that the Lugano Convention operates almost as a bilateral agreement with Switzerland, as no decisions have been recorded from the remaining European Free Trade Association (EFTA) member states (Norway and Iceland).
- Other multilateral conventions – these are rarely applied, with the exception of the New York Convention and the ICSID Convention (Articles 53–55).

EU Regulations 1215/2012 and 44/2001

Issues arise from confusion in choosing the applicable regulation when it comes to:

- filing an application for a declaration of enforceability after 10 January 2015;
- appeals (under Regulation 44/2001) against the declaration of enforceability of a US decision; and
- confusion regarding the submission of an application for refusal of enforcement (Article 47 of the GCCP) – ie, whether it should be filed independently or together with the opposition under Article 933 of the GCCP.

3.2 Variations in Approach to Enforcement of Foreign Judgments

As a general rule, every foreign judgment automatically develops its *res judicata* effect in Greece without any further procedure, provided that the conditions for recognition set out in Article 323, numbers 1–5 of the GCCP are met. As regards intra-EU judgments in particular, the CJEU has held in *Hoffmann* (C-145/86) and *Apostolides* (C-420/07) that intra-EU judgments produce – in principle – the same legal effects in

the state of recognition (in this case, Greece) as they do in their EU-member states of issuance.

With the exception of EU judgments and judgments falling under the scope of the international treaties outlined in **3.1 Legal Issues Concerning Enforcement of Foreign Judgments**, the automatic extension of the effects of foreign judgments in Greece does not include the effect of enforceability. Thus, unlike domestic titles, foreign judgments (and foreign enforceable titles more broadly) do not immediately become enforceable within Greek territory. They must receive an official and formal endorsement of enforceability from the domestic courts. A creditor intending to enforce a foreign title in Greece must request a declaration of its enforceability from a Greek court.

Procedure for Declaration of Enforceability

The Greek court adjudicates the relevant application under the rules of voluntary (ie, non-contentious) jurisdiction (Article 905, paragraph 1(2) of the GCCP). The court examines whether the conditions for enforceability are met, especially ensuring that the title does not contravene public policy, which protects against violations of constitutionally guaranteed individual rights.

The process for declaring enforceability is the same for all enforceable titles. However, the conditions for declaring foreign enforceable titles differ from those for foreign judicial decisions. Foreign titles are declared enforceable in Greece if they are enforceable according to the law of the place of issuance and do not contravene good morals or public order (Article 905, paragraph 2 of the GCCP). Foreign judicial decisions must also meet the conditions for recognition of foreign judicial decisions (Article 323, numbers 2–5 of the GCCP).

Necessity of Declaration

Without the declaration of enforceability, there are no grounds for initiating compulsory execution. The court's decision does not reassess the substantive claim of the foreign judgment, nor does it simply recognise the presence of enforceability conditions. Instead, it grants the enforceable effect to the foreign title.

Legal Implications

From the issuance of this decision, the foreign title is fully equated with and executed like a domestic title. This decision creates a new legal status, making it a constitutive act rather than a mere recognition of enforceability. Consequently, the term used is not “recognition of enforceability” but “declaration of enforceability” of the foreign judgement. The declared enforceable foreign judgment in Greece does not lose its enforceability even if it is subsequently annulled in the country of issuance.

Exequatur Process for Enforcing Foreign Judgments in Greece

The process of granting enforceability (internationally known as “exequatur”), which facilitates access to Greek enforcement authorities, is mandatory both for the rules of our autonomous national law (Article 905 and Article 906 of the GCCP) and for the provisions of international conventions signed with foreign countries and ratified by Greece. Among these, the Lugano Convention plays a significant role.

International Conventions, EU Law, and Exequatur

The exequatur process is necessary for foreign judgments under both national and international law. However, it does not apply to the legal systems of the EU, which aim to create a unified jurisdictional area and thus do not require declaration of enforceability, which is automatic.

CJEU Decisions

The exequatur process is not required for decisions of the CJEU, which are executed according to the provisions of the Greek Code of Civil Procedure, as per domestic judgments (Article 280 and Article 299 of the Treaty on the Functioning of the European Union (TFEU)). The enforceable form is affixed by the competent service of the Ministry of Justice after verifying the authenticity of the title only, without investigating other conditions – particularly whether fundamental constitutional rights of the domestic legal order were violated.

ECHR Decisions

The prevailing opinion is that judgments of the ECHR can be executed analogously using the exequatur process for foreign judgments (Article 905 in conjunction with Article 323 of the GCCP). Some support the view that ECHR judgments do not need to be declared enforceable, as they are immediately valid and enforceable in Greece as per domestic court decisions.

3.3 Categories of Foreign Judgments Not Enforced

Only foreign performance judgments may be subject to enforcement (ie, foreign titles that compel the debtor to provide, act, refrain from, or tolerate an action), as is the case for domestic judgments (see 2.6 Unenforceable Domestic Judgments and 1. Identifying Assets in the Jurisdiction).

Foreign performance judgments that do not fall under the scope of an EU Regulation or the provisions of an international treaty require two things to be enforced:

- issuance of a judicial decision according to the rules of voluntary jurisdiction; and

- compliance with the terms and conditions of Article 905 and Article 323 of the GCCP.

The conditions for enforceability of foreign titles (and foreign decisions) must be met cumulatively. The burden of invocation and the objective burden of proof lies with the party seeking the declaration of enforceability.

General Conditions for Enforceability of Foreign Titles in Greece

Enforceability in the state of origin

The primary condition for declaring a foreign title enforceable in Greece is that it must be enforceable according to the law of the place of issuance (Article 905, paragraph 2 of the GCCP). The foreign title must be enforceable under the law of the country of issuance at the time the declaration of enforceability is sought.

If the enforceable title is a foreign judicial decision, its procedural maturity is irrelevant. As long as it is considered enforceable under the law of its issuance, the Greek court does not need to investigate if it is final or irrevocable.

Not contravening public policy

A fundamental condition for declaring the enforceability of any foreign enforceable title is that it does not contravene domestic public order and the associated concept of good morals. Public order is understood as the totality of fundamental rules governing the state's social, economic, legal, moral, and other aspects of life (Article 33 of the Greek Civil Code).

The judge tasked with declaring the enforceability of a foreign title will examine, even *ex officio*, whether the execution of the foreign title in the specific case disrupts the foundations, basic principles, and perceptions governing the social, moral, cultural, and other aspects of life

in Greece. The mere fact that Greek law does not recognise a particular institution or regulation applied by the foreign decision, or that Greek law provides an opposite regulation to that on which the foreign decision was based, does not constitute a contradiction to domestic public order.

Anti-suit injunctions are not enforceable in Greece for being contrary to Greek (procedural) public policy.

Additional Conditions Applying Solely to Foreign Judgments

Per Article 905, paragraph 3 in conjunction with Article 323 numbers 2–5 of the GCCP), the following additional conditions apply solely to foreign judgments (ie, not all foreign titles).

- International jurisdiction of the foreign court – this condition is satisfied when Greek courts, hypothetically placing themselves in the position of the foreign court, would have jurisdiction over the case according to Greek procedural law (*Spiegelbildtheorie*, or mirror image theory).
- Respect for losing party's right to be heard – a foreign judgment will not be declared enforceable in Greece if the losing party did not have the opportunity to be heard and defend their rights before the foreign court. This applies if the party was not summoned at all, was not properly summoned, or was summoned but given an obviously insufficient period for defence. The losing party is not considered deprived of the right to defence if they had the right to appeal or remedy under the foreign state's law to mitigate the consequences of improper or lack of service.
- Non-existence of contrary domestic judgment – to be declared enforceable in Greece, a foreign judgment must not contradict a

decision of a Greek court that has been issued in the same case and constitutes *res judicata* between the parties involved.

EU judgments falling under the scope of the EU Regulations mentioned in **3.1 Legal Issues Concerning Enforcement of Foreign Judgments** and foreign judgments falling under the scope of international treaties will be refused enforcement under the specific conditions stipulated in these instruments, which take precedence over the provisions of the GCCP.

3.4 Process of Enforcing Foreign Judgments

In the case of intra-EU judgments, as already mentioned, these are automatically enforceable (i.e. they do not need to be declared enforceable by a Greek court). As such, the process of enforcing them will be exactly the same as for domestic judgments (for relevant analysis, please refer to **2.2 Enforcement of Domestic Judgments**).

Non-EU foreign judgments will first need to be declared enforceable in accordance with the following process (Article 905, paragraph 1 of the GCCP).

- Standalone application with the single-member court of first instance – the hearing of the application follows the procedure of voluntary jurisdiction, which is characterised by swift and flexible rules (Articles 740–781 of the GCCP).
- The application for a declaration of enforceability can be submitted by anyone entitled to initiate compulsory execution of the foreign title. It is not mandatory to address the application against the debtor, nor is the debtor's

summoning obligatory unless ordered by the court (Article 748, paragraph 3 of the GCCP).

- The application must contain a clear statement of facts justifying the request (Article 747, paragraph 2 of the GCCP). It is sufficient to generally invoke the fulfilment of the legal conditions without detailing the specific manner of their realisation. The essential facts should be evident from the content of the foreign judgment or other case file elements.
- A certified copy of the foreign title accompanied by an official translation into Greek must be submitted, along with the foreign authority's certificate confirming its enforceability (also with an official translation).
- The judge has the discretion to order evidence *ex officio* and consider even inadmissible or invalid evidence (Article 759 of the GCCP).
- There will be no re-examination of the merits of the case. Objections by the respondent concerning the creation, validity or termination of the enforceable claim are inadmissible.

3.5 Costs and Time Taken to Enforce Foreign Judgments

Please refer to **2.3 Costs and Time Taken to Enforce Domestic Judgments**. There is no real deviation from what applies in domestic judgments, save that one should also account for the additional time and cost needed for the declaration of enforceability of the foreign judgment (if so required).

3.6 Challenging Enforcement of Foreign Judgments

Please refer to our response to **2.5 Challenging Enforcement of Domestic Judgments**. There is no real deviation from what applies in domestic judgments.

4. Arbitral Awards

4.1 Legal Issues Concerning Enforcement of Arbitral Awards

Arbitral awards are decisions issued by private individuals resolving a private law dispute. The main legal issues relating to enforcing arbitral awards in Greece pertain to the nature of the arbitral award as domestic or foreign.

Domestic Awards

Domestic awards are those issued in Greece – ie, in all cases where the seat of the arbitration is in Greece. Domestic awards are further divided into national and international awards, depending on the existence of an element of internationality. Domestic-national awards are governed by Articles 867–903 of the GCCP, whereas domestic-international awards are governed by Greece’s law on international commercial arbitration (Law 5016/2023), transposing the 2006 amendments to the UNCITRAL Model Law on International Commercial Arbitration (1985), together with some novel elements.

Domestic awards are enforceable titles pursuant to Article 904, paragraph 2(b) of the GCCP and are enforced in virtually the same manner as domestic judgments and foreign judgments/titles, after they have been declared enforceable (if required) (see our responses to **2.2 Enforcement of Domestic Judgments**, **3.2 Variations in Approach to Enforcement of Foreign Judgments**, and **3.4 Process of Enforcing Foreign Judgments**).

Foreign Awards

Any award issued outside Greece is considered foreign. Greek courts lack international jurisdiction to rule (even incidentally) on the validity and substantive effect of a foreign arbitral award. They are only entitled to refuse to declare it

enforceable in Greece if the legal conditions are not met. Foreign arbitral awards produce *res judicata* effect automatically upon issuance, without the need for the observance of any formalities.

Enforceability of Foreign Awards

Enforcement of foreign arbitral awards in Greece is traditionally primarily governed by the New York Convention. In cases where the latter did not apply on account of the mutuality/reciprocity and commerciality reservations of Greece, foreign arbitral awards in Greece were – until recently – declared enforceable only upon the cumulative satisfaction of certain conditions prescribed by Article 906, Article 905(1) and Article 903 of the GCCP, going above and beyond the international enforcement standards of the New York Convention.

Law 5016/2023 changed this, by stating in Article 45 that foreign arbitral awards are enforced in accordance with the provisions of the New York Convention, even in cases where the New York Convention would not be applicable. Law 5016/2023 sets out a uniform enforcement standard for every foreign arbitral award, leaving virtually no room for the applications of the aforementioned GCCP provisions. The latter remain relevant with regard to the relevant procedure that will be applied.

4.2 Variations in Approach to Enforcement of Arbitral Awards

Please refer to **4.1 Legal Issues Concerning Enforcement of Arbitral Awards**. Domestic awards are enforced in virtually the same manner as domestic court judgments. All other foreign awards are enforced under the provisions of the New York Convention. Thereafter (ie, following the declaration of enforceability), enforcement takes place in accordance with local GCCP rules

in the same manner as for domestic judgments (see **2.2 Enforcement of Domestic Judgments**).

4.3 Categories of Arbitral Awards Not Enforced

Please refer to **2.1 Types of Domestic Judgments** and **3.3 Categories of Foreign Judgments Not Enforced** for foreign judgments and domestic court judgments, respectively. Arbitral awards upholding performance claims (eg, awarding damages) are generally enforceable. Awards ordering interim relief measures are also enforceable, subject to first being declared enforceable by the competent court. Parts of awards concerning the fees of the tribunal and the tribunal secretary are also not enforceable.

4.4 Process of Enforcing Arbitral Awards

As already mentioned in **4.1 Legal Issues Concerning Enforcement of Arbitral Awards**, domestic awards are automatically enforceable (ie, they do not first need to be declared enforceable). As such, what has been mentioned in **3.2 Variations in Approach to Enforcement of Foreign Judgments** regarding enforcement of foreign judgments and in **2.2 Enforcement of Domestic Judgments** regarding enforcement of domestic judgments will also apply here, with virtually no deviations.

Before being allowed to commence enforcement in this way, a foreign award-creditor will first need to declare it enforceable in Greece. The procedure for declaring enforceability continues to be regulated by the provisions of Article 905, paragraph 1 and Article 906 of the GCCP and Article 3 of the New York Convention and remains in effect under the New York Convention (which, as already mentioned in **4.1 Legal Issues Concerning Enforcement of Arbitral Awards**, applies in all cases of foreign awards since the entering into force of Law 5016/2023).

Required Documentation

The applicant must provide the original or an authenticated copy of both the arbitral award and the arbitration agreement, accompanied by a certified translation into Greek by an “official translator” (Article 4 of the New York Convention).

As regards the need to furnish the original/authenticated copy of the arbitration agreement, Article 45 paragraph 3 of Law 5016/2023 does not require this. Therefore, some commentators insist that Article 45(3) will prevail over Article 4 of the New York Convention, pursuant to the more-favourable-right provision of the New York Convention (Article VII).

These documents also constitute elements of the application. Their absence is checked *ex officio* by the court, leading to dismissal of the application if not present.

Application Process

Per a recent Supreme Court decision (No 805/2021), the application for declaring a foreign arbitral award enforceable under the New York Convention need not be directed against the person against whom enforcement is sought. This decision goes contrary to the position up to that point held in Greek legal doctrine and lower court jurisprudence. This decision has drastic effects *vis-à-vis* challenging the enforcement of a foreign arbitral award (see **4.6 Challenging Enforcement of Arbitral Awards**).

4.5 Costs and Time Taken to Enforce Arbitral Awards

Please refer to **2.3 Costs and Time Taken to Enforce Domestic Judgments** and **3.5 Costs and Time Taken to Enforce Foreign Judgments**. There is no real deviation from what applies in domestic/foreign judgments, save that one should also account for the additional time and

cost needed for the declaration of enforceability of the foreign award (if so required).

4.6 Challenging Enforcement of Arbitral Awards

The options available for challenging the enforcement of arbitral awards depend on the nature of the arbitral award. What follows is an analysis of the tools for resisting enforcement of arbitral awards, without reference to the tools for the setting aside arbitral awards.

Domestic-National Awards

The process for challenging domestic-national awards (ie, arbitral awards rendered within the context of domestic arbitration proceedings regulated by the GCCP) is exactly the same as the one outlined in **2.5 Challenging Enforcement of Domestic Judgments** for the case of domestic court judgments – ie, by filing the “objections” remedy of Article 933 of the GCCP.

The pendency of set-aside applications to quash the award (Article 897 of the GCCP) or applications seeking the declaration of the arbitral award as non-existent (Article 901 of the GCCP) does not generally suspend or otherwise affect the enforcement proceedings (Article 899, paragraph 3 and Article 901, paragraph 3 of the GCCP).

Domestic-International Awards

The process for challenging domestic-international awards (ie, arbitral awards rendered within the context of international arbitration proceedings regulated by Law 5016/2023) also follows the above-mentioned process per the GCCP with one notable exception. Article 43, paragraph 7 of Law 5016/2023 provides that, in cases where the parties have waived their right to set aside the award, the award-debtor maintains the right to invoke the grounds to set aside the arbitral award in the ensuing enforcement

proceedings. These grounds are contained in Article 43, paragraph 2 and generally mirror the UNCITRAL Model Law on International Commercial Arbitration (1985), with some exceptions.

Foreign Awards

As discussed in **4.1 Legal Issues Concerning Enforcement of Arbitral Awards**, in all cases, the enforcement of foreign awards is governed by the provisions of the New York Convention. The New York Convention provides for seven non-enforcement grounds – the first five of which (Article V, paragraph 1 (a)–(e)) need to be invoked by the award-debtor, while the other two (Article V, paragraph 2) may also be considered ex officio by the enforcing court. These are:

- invalidity of the arbitral agreement (Article V(1)(a));
- inability of the award-debtor to present its case Article V(1)(b));
- exceeding the scope of the arbitration agreement (Article V(1)(c));
- non-conformity of arbitral tribunal composition and/or procedure (Article V(1)(d));
- lack of award finality, suspension, set-aside (Article V(1)(e));
- non-arbitrability (Article V(2)(a)); and
- violation of public policy (Article V(2)(e)).

These grounds must be brought by the award-debtor either:

- during the course of the declaration of enforceability proceedings (if the award-debtor participates); or
- if the award-debtor does not participate therein, through the award-debtor filing third-party objections against the decision declaring the foreign award to be enforceable (Article 773 of the GCCP; Supreme Court decision No 805/2021).

Trends and Developments

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Zepos & Yannopoulos is a leading Greek law firm known for its long heritage, legal acumen, and integrity. As a full-service business law firm, Zepos & Yannopoulos takes pride in its distinctive mindset and offering. This shows not only in responsiveness, but also the firm's ability to field versatile, approachable, easy-to-work teams of practitioners who truly understand clients' interests. Zepos & Yannopoulos' strong international orientation is echoed in the firm's structure, standards and approach, and

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Z E P O S & Y A N N O P O U L O S

Enforcement of Judgments and Arbitral Awards in Recent Greek Judicial Decisions and Legislative Reforms

Greece has witnessed significant judicial and legislative activity concerning the enforcement and recognition of arbitral awards and judgments. This article explores key judicial decisions and the recent enactment of Law 5016/2023, which reshapes the landscape of international commercial arbitration in Greece. The focus will be on the enforcement of arbitral awards, owing to the concentration of recent developments in these areas. It will also discuss the 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters, which entered into force in Greece in September 2023.

Supreme Court judgment No 805/2021 – ex parte proceedings in arbitration

The Supreme Court of Greece, in its judgment No 805/2021, addressed critical procedural questions regarding ex parte applications for the recognition and enforcement of arbitral awards. The court clarified two pivotal points (and, in this way, went against the prevailing position in legal doctrine): whether the application to declare an award enforceable must be directed to the award debtor and whether the award

debtor is rendered a formal litigant party in such proceedings. The court answered negatively to both, establishing that these applications do not require the procedural presence or notification of the award debtor, thus confirming the non-contentious nature of these proceedings.

Ex parte proceedings – definition and context

Ex parte proceedings are those conducted without the presence of all parties involved, typically because the nature of the proceedings requires immediate action or because one party is unresponsive or because of the non-contentious nature of the proceedings in question, as was the case here. In the context of arbitration, ex parte applications are often made to enforce arbitral awards quickly and efficiently.

Supreme Court's rationale

The Supreme Court's decision in judgment No 805/2021 clarified the following two critical points regarding the procedural aspects of enforcing arbitral awards.

- Application direction – the court clarified that the application to declare an arbitral award enforceable does not need to be directed to and served upon the award debtor as an admissibility requirement.

- Litigant status – the court further determined that the award debtor does not become a proper party in these proceedings, even if the petition is directed and served upon them. For that to happen, the award debtor has to either:
 - (a) be summoned by the court;
 - (b) intervene in the pending proceedings; or
 - (c) be formally summoned by the petitioner.

These clarifications emphasise that the recognition of enforceability is inherently non-contentious and the absence of the award debtor does not infringe on any procedural requirements. The award debtor can bring a third-party challenge against the decision declaring the award enforceable coupled with a motion to suspend enforceability. In result, however, the award creditor has the upper hand and initiative to act.

Implications for arbitration practice

This decision favours award creditors by streamlining the enforcement process. Key implications include the following.

- Procedural simplicity and efficiency – award creditors can obtain enforcement of their awards without the court needing to hear the award debtor unless the court decides to summon them. This expedites the enforcement process, reducing delays and legal costs.
- Minimal requirement for debtor involvement – the award debtor’s presence is not required for the recognition and enforcement process, making it easier for creditors to secure enforcement.

Agrinio court decision on cryptocurrency payments – public policy considerations

The single-member first instance court of Agrinio, in its decision No 193/2018, tackled the

contentious issue of whether an arbitral award that mandates payment in cryptocurrency aligns with Greek public policy. Although the decision was made in 2018, it made headlines in 2022 when it was published (and was also ratified by the appellate court), drawing significant attention due to the global rise of cryptocurrencies and their increasing use in commercial transactions.

In this case, the petitioner sought the recognition and enforcement of a foreign arbitral award that required payment in Bitcoin. The court had to consider whether such an award could be enforced under Greek law, especially in light of public policy concerns.

Legal framework

The recognition and enforcement of foreign arbitral awards in Greece is governed by the Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958 (the “New York Convention”) and the Greek Code of Civil Procedure. Under these frameworks, a foreign arbitral award may be refused recognition if it is contrary to Greek (international) public policy.

Public policy and cryptocurrency

Public policy is a broad and often nebulous concept that encompasses the fundamental principles and values of a legal system. In the context of cryptocurrency, several public policy concerns arise, including the following.

- Legal status of cryptocurrency – in Greece, Bitcoin and other cryptocurrencies are not recognised as legal tender. This lack of recognition raises questions about the enforceability of obligations denominated in such currencies.
- Financial stability and regulation – cryptocurrencies pose significant challenges to financial regulation and stability. The anonymous

nature of cryptocurrency transactions can facilitate tax evasion, money laundering, and other illicit activities, which are concerns for regulators.

- Consumer protection – the volatility of cryptocurrency prices can pose risks to consumers and businesses. Ensuring that transactions are conducted in a stable and predictable currency is a key aspect of public policy.

Court's decision

The Agrinio court refused to recognise and enforce the arbitral award on the grounds that requiring payment in Bitcoin was contrary to Greek public policy. The court noted the following.

- Lack of legal recognition – Bitcoin is not recognised as legal tender in Greece and transactions involving Bitcoin are not considered legally binding.
- Regulatory concerns – the use of Bitcoin raises significant regulatory issues, particularly concerning tax evasion and financial stability.
- Public policy violation – enforcing an award that mandates payment in Bitcoin would violate the fundamental principles of the Greek legal system, particularly those related to financial regulation and consumer protection.

Implications for arbitration and commercial transactions

This decision has significant implications for both arbitration and commercial practice in Greece. Key takeaways include the following.

- Drafting arbitration clauses – parties to arbitration agreements should carefully consider the choice of currency for payment obligations. Given the court's stance, specifying a recognised legal tender is advisable.

- Cryptocurrency transactions – businesses engaging in transactions involving cryptocurrencies should be aware of the potential legal and regulatory challenges. In jurisdictions such as Greece, the enforceability of such transactions may be problematic.
- Public policy as a defence – public policy remains a potent defence against the recognition and enforcement of arbitral awards. Parties should be mindful of the public policy considerations in the jurisdictions where they seek enforcement.

Greece's Supreme Administrative Court judgment No 251/2022 – broader implications

Greece's Supreme Administrative Court (ie, Greece's *Conseil d'État*), in its judgment No 251/2022, addressed the issue of the enforceability of arbitration agreements in the context of administrative law. This decision has significant implications for the enforceability of foreign arbitral awards, especially within the framework of EU law and the principles established by the CJEU's decision in *Achmea BV v Slovak Republic* (Case C-284/16) ("*Achmea*").

The case involved a concession agreement that had been ratified by law and the issue was whether disputes arising from the agreement could be submitted to arbitration. The court had to consider the interplay between legislative acts and arbitration agreements.

Alignment with Achmea

The court's decision in this case can be seen in the broader context of the CJEU's decision in *Achmea*. In *Achmea*, the CJEU held that arbitration clauses in bilateral investment treaties (BITs) between EU member states are incompatible with EU law because they undermine the autonomy of the EU legal order.

Key points from the judgment

The key takeaways from the *Conseil d'État* judgment No 251/2022 are as follows.

- Misapplication of *Achmea* – the *Conseil d'État* erroneously extended the *Achmea* ruling to a commercial arbitration clause in a concession agreement ratified by law, treating it as though it were a BIT. This application was based on a superficial comparison rather than a substantive analysis of the legal and factual distinctions between BITs and commercial contracts.
- Commercial vs investment arbitration – the court failed to adequately distinguish between commercial arbitration, which is based on the autonomy of the parties' will, and investment arbitration, which involves state-to-state treaties and is inherently different. This misinterpretation ignored the CJEU's clear distinction in *Achmea* between these two types of arbitration.
- Implications of *PL Holdings* – the *Conseil d'État* referred to the *PL Holdings* decision, which reaffirmed *Achmea*, but the application was again misplaced. *PL Holdings* dealt with ad hoc arbitration agreements that attempted to circumvent the invalidation of a BIT arbitration clause, which was not analogous to the situation in the concession agreement.

Critical perspective

The court's reasoning has been criticised for the following reasons.

- Overextension of *Achmea* – by applying *Achmea* to a commercial arbitration clause, the court expanded the scope of the CJEU's ruling beyond its intended limits, potentially undermining the efficacy of commercial arbitration in the EU.

- Lack of detailed analysis – the judgment lacked a detailed analysis of why the concession agreement should be treated similarly to a BIT. The simplistic approach undermined the nuanced legal principles that differentiate commercial arbitration from investment arbitration.
- Potential negative impact – this decision could have far-reaching negative consequences for the use of arbitration in commercial contracts involving state entities, deterring foreign investment and complicating dispute resolution mechanisms.

Implications for arbitration practice

In light of this decision, it might be difficult to negotiate arbitration clauses with the Legal Council of State (ie, the lawyers of the Greek State) who are tasked with negotiating public concession contracts. They might refuse to agree on arbitration clauses that extend to EU law matters for fear of future non-enforcement of any ensuing arbitral award. This reluctance stems from the potential for such clauses to be rendered unenforceable, as demonstrated by the *Conseil d'État's* unfortunate alignment with the *Achmea* decision.

Law 5016/2023 – strengthening arbitration framework

Article 45 of Law 5016/2023 explicitly mandates the application of the New York Convention in Greece. This provision underscores Greece's commitment to the international arbitration framework established by the New York Convention, ensuring the enforcement of foreign arbitral awards irrespective of whether the traditional preconditions, such as mutuality, are met.

Article 45 of Law 5016/2023's key provisions are as follows.

- Unconditional application and broader scope of enforcement – the New York Convention is applied even outside the mutuality and commerciality reservations prescribed thereby. This means Greek courts will enforce arbitral awards even if the originating country has not ratified the New York Convention and even if the dispute is not “commercial” in nature. Article 45 thus extends the applicability of the New York Convention beyond its traditional scope. The New York Convention is now applied as the general legal framework for recognising and enforcing foreign arbitral awards, even in cases where the award might not fall within the New York Convention’s typical field of application.
- No need to furnish the arbitration agreement – Article 45(3) of Greece’s new arbitration law does not require the award creditor to furnish the original arbitration agreement or a certified copy thereof as prescribed by Article IV(1)(b) of the New York Convention. As such, Article 45(3) is more favourable than Article IV(1)(b) of the New York Convention and will apply in its stead pursuant to Article VII(1) of the New York Convention.

The implications for arbitration practice are as follows.

- Simplified enforcement process – the removal of traditional preconditions for applying the New York Convention simplifies the enforcement process, offering greater predictability and efficiency for practitioners.
- Global arbitration hub – Greece’s unconditional application of the New York Convention strengthens its position as a favourable jurisdiction for international arbitration, attracting more cross-border disputes to be resolved under its framework.
- Legal certainty – this approach enhances legal certainty for parties involved in international arbitration, knowing that their awards will be recognised and enforced in Greece regardless of the originating jurisdiction’s status concerning the New York Convention.

The 2019 Hague Convention – expanding the scope of enforcement

The 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (the “2019 Hague Convention”), which entered into force in Greece in September 2023, represents a significant milestone in the international enforcement landscape. This convention aims to streamline and enhance the process for recognising and enforcing foreign judgments, by creating a common legal framework irrespective of whether a choice of court agreement between parties to an international dispute is in place.

Key provisions of the Hague Convention

The key provisions of the 2019 Hague Convention are as follows.

- Scope and applicability – the 2019 Hague Convention applies to the recognition and enforcement of judgments in civil and commercial matters, including judgments issued on consumer and labour law disputes, but excluding family and inheritance law, insolvency, privacy, legal capacity of natural persons, IP, certain anti-trust matters, arbitration and interim measures decisions.
- No review on the merits – the 2019 Hague Convention does not provide for a review on the merits of the case by the courts of the requested state. This fundamental principle permeating the 2019 Hague Convention enhances certainty and predictability.

- Grounds for refusal – the 2019 Hague Convention allows for the refusal of recognition and enforcement on specific exhaustive grounds, including incompatibility with public policy, due process violations, procedural fraud and inconsistency with earlier judgments between the same parties.

Implications for Greek practice

The implications of the 2019 Hague Convention for Greek enforcement practice are as follows.

- Enhanced legal certainty – the 2019 Hague Convention’s framework, which precludes review on the merits, provides greater legal certainty and predictability for parties seeking enforcement of judgments in Greece.
- Harmonisation with international standards and facilitation of trade and investment – the 2019 Hague Convention aligns Greece with global practices, fostering an environment conducive to international trade and investment.

Practical guidance for practitioners

Practitioners are well advised to take the following guidance into consideration in respect of the 2019 Hague Convention.

- Awareness of grounds for refusal – practitioners should be well-versed in the specific grounds for refusal outlined in the 2019 Hague Convention, so as to effectively advise clients and navigate potential challenges.
- Advising on legal strategies – practitioners should counsel clients on the benefits and limitations of relying on the 2019 Hague Convention for enforcement, including strategic considerations for choosing jurisdictions in cross-border contracts and disputes.

Conclusion

The recent judicial decisions and the enactment of Law 5016/2023, alongside the entry into force of the 2019 Hague Convention, represent significant developments in the Greek arbitration and enforcement landscape. Law 5016/2023 represents a significant advancement in the Greek arbitration framework, while the 2019 Hague Convention further broadens the scope of enforceable foreign decisions, solidifying Greece’s commitment to international legal standards.

The Supreme Court’s judgment No 805/2021 and the Agrinio court’s decision on cryptocurrency payments underscore the procedural nuances and public policy in the enforcement of arbitral awards. The decision by Greece’s *Conseil d’État* to apply the principles of Achmea to a commercial arbitration clause in a concession agreement has significant implications for the arbitration landscape in Greece and the EU. This approach risks undermining the effectiveness of commercial arbitration and could discourage foreign investment. It is crucial for practitioners to carefully navigate these developments and advocate for a more nuanced application of EU law principles in arbitration-related disputes.

The unconditional application of the New York Convention set out in Article 45(1) of the new arbitration law ensures the broad enforceability of foreign arbitral awards, removing traditional preconditions and broadening the scope of enforcement. Together, these provisions strengthen Greece’s position as a reliable and attractive jurisdiction for international arbitration. Practitioners should leverage the flexibility and robustness provided by these articles to draft and enforce arbitration agreements effectively.

GREECE TRENDS AND DEVELOPMENTS

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As Greece continues to refine its arbitration laws and practices, staying informed about these trends and developments will be crucial for effectively managing arbitration proceedings and ensuring the enforceability of arbitral awards and foreign judgments. For clients and practitioners involved in arbitration and litigation in Greece, these changes provide a robust legal framework that supports the efficient and fair resolution of disputes.

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